

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

DANIEL HERSL,

Defendant.

CRIMINAL NO. 17-0106-03

**UNITED STATES' MOTION FOR AN EXTENSION OF TIME TO RESPOND TO
DEFENDANT'S EMERGENCY MOTION FOR COMPASSIONATE RELEASE**

On July 9, 2024, the Defendant filed a renewed Motion for Compassionate Release following the denial of his original Motion. The Government is requesting an additional thirty days to respond [REDACTED]

[REDACTED] Although the Defendant's medical condition has been discussed in public filings, any specific reference to the Defendant's medical records or current treatment plan are being redacted.

1. On October 17, 2023, the Defendant Daniel Hersl filed a Motion for Compassion Release citing a recent cancer diagnosis as an "extraordinary and compelling circumstance" warranting a sentencing reduction. ECF No. 790.

2. The United States agreed that the Defendant's diagnosis met the criteria for eligibility for release under 18 U.S.C. § 3582(c), but argued that the § 3553(a) factors did not warrant a sentence reduction. *See* ECF No 801 at 11-14. The Government cited, among other things, the Defendant's lack of acceptance of responsibility that was demonstrated over a series of 2255 motions filed by him. *See id.* at 14. The Court denied the Motion for the reasons cited by the Government. *See* ECF No. 809.

3. The Defendant withdrew his 2255 motions (ECF No. 835) and has now refiled his Motion for Compassionate Release claiming, among other things, that he now accepts responsibility for his crimes. *See* ECF No. 856.

4. In September 2023, the Defendant received an 18-month life expectancy following a PET scan that revealed metastatic prostate cancer. *See* ECF No. 790 at 3. [REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

7. The Defendant's diagnosis is not only relevant to the compassionate release eligibility criteria, but it is also relevant to the § 3553(a) factors. Specifically, it is relevant to the characteristics of the defendant, deterrence, and protecting the public. *See* 18 U.S.C. § 3553(a)(1), (2)(B), (C).

8. [REDACTED]

[REDACTED]

[REDACTED]

9. As such, the Government is requesting a thirty-day extension of its response deadline, or until August 23, 2024.

10. Counsel for the Government communicated with defense counsel by phone and by email, and defense counsel objects to the Government's request.

WHEREFORE, the United States requests that the Court grant its Motion and order the Government to respond on or before August 23, 2024.

Respectfully submitted,

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